IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18179 of 2004

Between:

M. Nageswara Rao S/o M. Narasimha Murthy
A.P. State Ware Housing Corporation Limited Second Floor, Warehousing Sadan, Near Gandhi Bhavan, Nampally, Hyderabad

... PETITIONER

AND

1 Government of Andhra Pradesh rep by Principal Secretary, Food Agriculture

& Marketing Department, Secretariat, Hyderabad
2 A.P. State Warehousing Corporation Limited, rep by Managing Director,

Second Floor, Warehousing Sadan, Near Gandhi Bhavan, Nampally,

Hyderabad
3 Mohd John Pasha, Junior Assistant, A.P. State Warehousing Corporation

Limited, Kodad-I Ware House, Kodad, Nalgonda District
4 T. Mallaiah, Junior Assistant, A.P. State Warehousing Corporation Limited,

Ware House, Jagityal, karimnagar District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records relating to the proceedings of the 2nd Respondent bearing No. SWC/E4/7016/99, dated 6-1-2004 and set a side the same as illegal, contrary to the orders of this Hon'ble Court and discriminatory by issuing appropriate Writ, order or direction more particularly in the nature of Mandamus and further declare the amendment to Appendix III of Regulation 6 as notified in Lr. No. 1846/Mktg I (1) 2003-I, dated 25-07-2003 of the 1st Respondent as prospective and is not applicable to the petitioner and consequently direct 2nd Respondent to consider the case of the petitioner for promotion to the post of Junior Assistant in preference to

3rd and 4th respondents with all consequential benefits

Counsel for the Petitioner: MR.K.RAMA SUBBA RAO

Counsel for the Respondent No.1: GP FOR FOOD & AGRICULTURE

Counsel for the Respondent No.2: MR. G. BHASKAR SC FOR APSWHCL

Counsel for the Respondents 3 & 4: None Appeared

The Court made the following order:

ORDER:

Petitioner is working as a Peon in the second respondent corporation. He contends that he is eligible for promotion to the post of Junior Assistant. But the second respondent without considering his case for promotion promoted respondents 3 and 4, who are juniors to him and who possess the same qualifications, disregarding his candidature for promotion.

The petitioner further contends that he entered into the service of the second respondent on 05.11.1984 and as per amended regulation of the Warehousing Corporation Regulations, 1965 the employees, who are working, as attenders prior to 29.10.1987 are eligible for promotion if they possess S.S.C qualification. Since the petitioner is having S.S.C. qualification he is entitled to be considered for promotion.

Petitioner submitted a representation to the second respondent on 10.05.2004 to consider his candidature for promotion as a Junior Assistant in the existing vacancies. The petitioner approached this Court, on the ground that the second respondent did not pass any orders on his representation, seeking a direction to the second respondent to consider his representation and to pass appropriate orders regarding his request for promotion as a Junior Assistant.

In the light of the circumstances explained by the petitioner, the second respondent is directed to examine whether the petitioner is qualified for promotion to

the post of Junior Assistant and after considering his representation dated 10.05.2004 pass appropriate orders regarding his request for promotion as a Junior Assistant keeping in view his qualifications and seniority within two month from the date of receipt of this order.

The writ petition is accordingly disposed of. No order as to costs.

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Dr. G. YETHIRAJULU, J

October 7, 2004

Dsk

Note:

Furnish copy is two days

(B/o)

Dsk

To

1 Principal Secretary to Government of Andhra Pradesh, Food

Agriculture & Marketing Department, Secretariat, Hyderabad

2 The Managing Director, A.P. State Warehousing Corporation Limited,

Second Floor, Warehousing Sadan, Near Gandhi Bhavan, Nampally,

Hyderabad.

3 Two CCs to GP For Food and Agriculture, High Court Buildings,

Hyderabad (OUT).

4 Two CD Copies.